



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,012	02/04/2002	John P. Graham	RWBP101US	4118

29393 7590 12/01/2004

ESCHWEILER & ASSOCIATES, LLC
NATIONAL CITY BANK BUILDING
629 EUCLID AVE., SUITE 1210
CLEVELAND, OH 44114

EXAMINER

COCKS, JOSIAH C

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/067,012

Applicant(s)

GRAHAM ET AL.

Examiner

Josiah Cocks

Art Unit

3749

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Rejection of claim 23.
4. ☒ Newly proposed or amended claim(s) 3-12 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 3-12.

Claim(s) objected to: 23.

Claim(s) rejected: 1 and 2.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION

1. Continuation of item 5. from Advisory Action summary sheet.

Applicant argues that the prior art relied upon by the examiner does not disclose a cord set as disclosed by applicant. However, the examiner notes that applicant does not claim or disclose any structure of a cord set. Applicant also does not disclose or claim any housing or other structure that contains the circuitry illustrated in applicant's Fig. 4 within the cord set. All that is shown by applicant is a schematic block diagram of an independent timer circuit (100) that is described in applicant's specification as follows:

"In accordance with one example, the circuit 100 may be employed within a cordset that connects the oil burner controller (not shown) to a fuel oil pump 102. In such an example, a solenoid valve 104 is associated with the pump 102 and operates to enable/disable the delivery of fuel oil from the pump 102 to a nozzle 105 at the combustion head via a nozzle line (not shown)." (see page 8, lines 11-15)

and

"The use of the invention 100 in a cord set allows use of a solenoid valve 104 that is integrated with the pump 102, and thus removes the need for a separate, externally mounted solenoid valve and external timer. *The present invention, however, is not limited to such arrangements.*" (see page 8, lines 22-26). (*emphasis added*).

No structure of the cord set or description of how the cord set is connected to the solenoid valve (104) is disclosed.

The examiner has relied on the Lourigan reference to show the invention recited in applicant's claims 1 and 2 (see Office Action mailed 9/21/2004). The examiner has asserted that the package (60) disclosed by Lourigan which includes a housing (62) and a conduit (64) is

Art Unit: 3749

properly considered a cord set as broadly claimed by applicant. A controller in the form of a control circuit on circuit board (74) is mounted within housing (62) and a valve (63) is connected to the housing. The examiner considers that the housing (62), which is at least a portion of a cord set, is coupled between the circuit board (74) and valve (63) and is properly considered to be an arrangement on which applicant's claims 1 and 2 read. Accordingly, applicant's claims 1 and 2 are not considered to read over the prior art of record.

Allowable Subject Matter

2. Claims 3-12 are allowed as amended.
3. Applicant's arguments concerning the distinction of applicant's claim 23 over the prior art of record is considered persuasive. Accordingly, claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

USPTO Contact Information

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Any questions on access to the Private

Art Unit: 3749


PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
November 17, 2004


JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749